

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Bradley Kriley
Tanya A. Kriley
Debtor(s)

Bankruptcy Case No.: 19-23116-JAD
Issued Per Sep. 16, 2019 Proceeding
Chapter: 13
Docket No.: 24 - 7
Concil. Conf.: February 27, 2020 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 7, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Feb. 27, 2020 at 10:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- ☒ H. Additional Terms: The secured claim of JPMorgan Chase Bank (Claim No. 6) shall govern as to claim amount, to be paid at the modified plan terms.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: September 19, 2019

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Bradley Kriley
 Tanya A. Kriley
 Debtors

Case No. 19-23116-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

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 Total Noticed: 27

Date Rcvd: Sep 19, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 21, 2019.

db/jdb
 15100554 +Bradley Kriley, Tanya A. Kriley, 549 North Elm Street, Butler, PA 16001-4410
 15100556 +Brinks Home Security, PO Box 815665, Dallas, TX 75381-5665
 15100558 +Butler Income Tax Office, c/o Berkheimer Tax, 50 North Seventh St., Bangor, PA 18013-1731
 15100560 Comenity Bank/Atlmc, PO Box 182789, Cohutta, GA 30710
 15100562 +Fin Sys of Richmond Inc., PO box 786, Richmond, IN 47375-0786
 15100563 +JPMCB Auto Finance, PO Box 901003, Fort Worth, TX 76101-2003
 15100564 +KML Law Group, 701 Market Street, Ste. 5000, Philadelphia, PA 19106-1541
 15110078 +Nextier Bank, 222 Market Street, Kittanning, PA 16201-1525
 15100569 +PHEAA, PO Box 8147, Harrisburg PA 17105-8147
 15100570 +PHEAA, POB 61017, Harrisburg, PA 17106-1017
 15100570 +PNC Mortgage, PO Box 8703, Dayton 45401-8703
 15100567 Pennsylvania American Water, PO Box 371412, Pittsburgh, PA 15250-7412
 15100568 +Peoples Gas, PO box 644760, Pittsburgh, PA 15264-4760
 15100571 +Preferred Credit, PO box 1679, Saint Cloud, MN 56302-1679
 15100572 TW Phillips, E. Cunningham St., Butler, PA 16001
 15100573 +U.S. Attorney General, U.S. Courthouse, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219-1956

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 15124378 +E-mail/Text: csc.bankruptcy@amwater.com Sep 20 2019 02:32:23 American Water, P.O. Box 578, Alton, IL 62002-0578
 15100555 +E-mail/Text: jschon@basapa.org Sep 20 2019 02:31:01 Butler Area Sewage Authority, 100 Litman Road, Butler, PA 16001-3294
 15100557 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 20 2019 02:43:49 Capital One Bank, PO Box 30281, Salt Lake City, UT 84130-0281
 15106778 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Sep 20 2019 02:44:14 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
 15100559 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Sep 20 2019 02:31:14 Comenity Bank/Levin, PO Box 182789, Columbus, OH 43218-2789
 15100561 E-mail/Text: cio.bncmail@irs.gov Sep 20 2019 02:31:08 Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
 15119033 E-mail/Text: bk.notifications@jpmchase.com Sep 20 2019 02:31:22 JPMorgan Chase Bank, N.A., National Bankruptcy Dept., PO Box 29505 AZ1-5757, Phoenix, AZ 85038-9505
 15100565 +E-mail/PDF: cbp@onemainfinancial.com Sep 20 2019 02:44:08 OneMain Financial, PO Box 1010, Evansville, IN 47706-1010
 15117620 +E-mail/PDF: cbp@onemainfinancial.com Sep 20 2019 02:43:42 OneMain Financial, PO Box 3251, Evansville, IN 47731-3251
 15113984 +E-mail/Text: bankruptcy@firstenergycorp.com Sep 20 2019 02:31:48 West Penn Power, 5001 NASA Blvd, Fairmont WV 26554-8248
 15100574 +E-mail/Text: bankruptcy@firstenergycorp.com Sep 20 2019 02:31:48 West Penn Power, 800 Cabin Hill Drive, Greensburg, PA 15601-1689

TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr JPMORGAN CHASE BANK, N.A.
 cr PNC BANK NATIONAL ASSOCIATION
 15100566 ##+Penn Credit, 916 S. 14th St., Harrisburg, PA 17104-3425

TOTALS: 2, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 21, 2019

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 27

Date Rcvd: Sep 19, 2019

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 19, 2019 at the address(es) listed below:

Amy L. Zema on behalf of Debtor Bradley Kriley amy@zemalawoffice.com
Amy L. Zema on behalf of Joint Debtor Tanya A. Kriley amy@zemalawoffice.com
James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Karina Velter on behalf of Creditor JPMORGAN CHASE BANK, N.A. amps@manleydeas.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6